

Atty Dkt No. 098810-0278740

Pat. App. Ser. No. 09/813,463

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Warren, et al.

Group Art Unit: 1653

Serial No.: 09/813,463

Examiner: Olga Chernyshev, Ph.D.

Filed: March 20, 2001

Title: PEPTIDE SPECIFICITY OF ANTI MYELIN BASIC PROTEIN AND THE
ADMINISTRATION OF MYELIN BASIC PROTEIN PEPTIDES TO MULTIPLE
SCLEROSIS PATIENTS

PETITION UNDER 37 C.F.R. §1.181(A) TO
WITHDRAW HOLDING OF ABANDONMENT

Certificate of Mailing Under 37 C.F.R. §1.8

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence along with any paper referred
to as being attached is being Mailed to Addressee by service of the
United States Postal Service addressed to Commissioner for Patents,
P.O. Box, 1450, Alexandria, VA 22313-1450

Date: May 24, 2004 By:

Sachiko Y. Snedden

Sir or Madam:

In response to the Notice of Abandonment mailed April 22, 2004, Applicants respectfully
petition to withdraw the holding of abandonment for the above-identified application because a
Response to the Office Action mailed May 29, 2003, was timely filed:

1. On December 1, 2003, Applicant's representative filed a Response to the Office Action
mailed May 29, 2003, and fee and petition for extension of time. The Response with a
petition for a 3 month extension of time was due on December 1, 2003, since
November 29, 2003, fell on a Saturday.
2. A Certificate of Mailing under 37 C.F.R. §1.8 executed by Patricia Munoz indicating that
the Response was filed on December 1, 2003, appears on the first page of the Response, a
copy of which is attached herewith.

70062711_1.DOC

BEST AVAILABLE COPY

Atty Dkt No. 098810-0278740
Pat. App. Ser. No. 09/813,463

3. Attached is a copy of the postcard receipt for the Response filed December 1, 2003, date stamped on December 4, 2003, by the U.S. Patent and Trademark Office.
4. Applicant's representative also filed via facsimile on April 15, 2004, a Statement of Submission of true copies of the Response filed December 1, 2003, in response to the Examiner's telephone call to the undersigned.

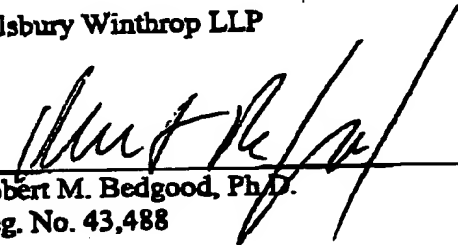
In view of the foregoing evidence indicating that a response to the Office Action mailed May 29, 2003, was timely filed December 1, 2003, Applicants respectfully request that the holding of abandonment for the above-identified application be withdrawn. No fee is due for filing this Petition; however, the Commissioner is hereby authorized to charge any fee that may be due in connection with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-2212.

Respectfully submitted,

Pillsbury Winthrop LLP

Date: May 24, 2004

By


Robert M. Bedgood, Ph.D.
Reg. No. 43,488

Tel. No. (858) 509-4065
Fax No. (858) 509-4010

11682 El Camino Real
Suite 200
San Diego, CA 92130-2092
(619) 234-5000

BEST AVAILABLE COPY



PILLSBURY WINTHROP

11682 EL CAMINO REAL SUITE 200 SAN DIEGO, CA 92130-2092 619-234-5000 F: 858-509-4010

BEST AVAILABLE COPY

FACSIMILE

Total Pages (including cover): 5

HOUSTON
LONDON
LOS ANGELES
NEW YORK
NORTHERN VIRGINIA
ORANGE COUNTY
SACRAMENTO
SAN DIEGO
SAN FRANCISCO
SILICON VALLEY
SINGAPORE
STAMFORD
SYDNEY
TOKYO
WASHINGTON DC

Date: July 26, 2004

Must Be Sent By:

To: George Allen

Fax No: (703) 308-6778

Company: USPTO

Phone No: (703) 305-8973

From: Victoria E. Taylor

Phone No: (858) 847-4107

User No: 15049

C/M No: 099750-0211500

Comments:

Dear George,

It is my understanding that there should be no fee due for filing this petition, which was filed in response to a Notice of Abandonment. The Notice was sent in response to a lack of filing a timely Response to Office Action. However, as the petition states, a Response was filed in a timely fashion. Therefore, there should be no fee due, since it is an USPTO error.

Enclosed please find a copy of our deposit account statement (502212) with the charge in question circled. Additionally, a copy of the filing has been enclosed for your convenience.

My fax number is (858) 509-4010 and my direct line is (858) 847-4107, once you have the information I have requested.

Please contact me should you have any questions.

Best regards,

Victoria E. Taylor
Intellectual Property Practice Assistant

cc: Barbara Ziber



Confidentiality Note:

The documents accompanying this facsimile transmission may contain confidential information which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by telephone and mail the original transmission to us. Thank you.

If you have not properly received this fax, please call (619) 234-5000. Thank you.

Operator: _____ Time Sent: _____ Batch ID: _____

70065884V1



United States Patent and Trademark Office



Deposit Account Statement

Requested Statement Month:

July 2004

Deposit Account Number:

502212

Name:

PILLSBURY WINTHROP LLP

Attention:

BARBARA ZIBER

Address:

101 WEST BROADWAY

City:

SAN DIEGO

State:

CA

Zip:

92101-8219

BEST AVAILABLE COPY

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/01	40	PCT/US04/20298	087533-0309085	1601	\$300.00	\$13,895.00
07/01	572	76457736	78200.290080	7004	\$300.00	\$13,595.00
07/02	258	10039769	P 016417	2501	\$665.00	\$12,930.00
07/02	259	10039769	P 016417	1504	\$300.00	\$12,630.00
07/06	161	10500167	028705-0310242	2611	\$540.00	\$12,090.00
07/06	424	78149769	39751.302629	7003	\$200.00	\$11,890.00
07/07	1	09247003	X-9845B	2253	-\$475.00	\$12,365.00
07/07	2	10247003	P 068795	2253	\$475.00	\$11,890.00
07/07	60	E-REPLENISHMENT		9203	-\$2,405.00	\$14,295.00
07/07	209	09804409	0299996/0278	2801	\$385.00	\$13,910.00
07/07	325	10804834	013351	8021	\$40.00	\$13,870.00
07/08	48	09811367	021286/02787	1801	\$770.00	\$13,100.00
07/08	373	78447122	44182.310177	7001	\$335.00	\$12,765.00
07/12	7	PCT/US04/14301	061578-0309819	8007	-\$20.00	\$12,785.00
07/12	9	E-REPLENISHMENT		9203	-\$1,530.00	\$14,315.00
07/12	767	10819375		8021	\$40.00	\$14,275.00
07/13	13	10237222	D0240	2501	\$665.00	\$13,610.00
07/13	14	10237222	D0240	1504	\$300.00	\$13,310.00
07/14	15	10804834	013351	2001	\$385.00	\$12,925.00
07/14	16	10804834	013351	2051	\$65.00	\$12,860.00
07/14	17	10804834	013351	2202	\$396.00	\$12,464.00
07/14	24	78476595	74066.292864	7003	\$100.00	\$12,364.00
07/14	67	10274281		2254	\$740.00	\$11,624.00
07/14	111	10801944	044182	2001	\$385.00	\$11,239.00
07/14	112	10801944	044182	2051	\$65.00	\$11,174.00
07/14	113	10800421	044182	2001	\$385.00	\$10,789.00
07/14	114	10800421	044182	2051	\$65.00	\$10,724.00
07/14	151	10819375	087533-0306777	2001	\$385.00	\$10,339.00

<https://ramps.uspto.gov/eram/Controller.jsessionid=ramps.uspto.gov-37be:41057e6e:6aea3b8...> 7/26/04

07/14 152	10819375	087533-0306777	2051	\$65.00	\$10,274.00
07/14 153	10819375	087533-0306777	2202	\$378.00	\$9,898.00
07/14 154	10819375	087533-0306777	2201	\$301.00	\$9,595.00
07/14 195	10800420	044182	2001	\$385.00	\$9,210.00
07/14 196	10800420	044182	2051	\$85.00	\$9,145.00
07/14 197	10800420	044182	2201	\$43.00	\$9,102.00
07/14 225	10800421	044182	1202	\$36.00	\$9,068.00
07/14 482	10803558	051501	8021	\$40.00	\$9,028.00
* 07/15 2	09813483	P278740	1480	\$130.00	\$8,896.00
07/15 22	E-REPLENISHMENT		9203	-\$5,289.00	\$14,185.00
07/15 85	10800421	044182	8021	\$40.00	\$14,125.00
07/15 86	10801944	044182	8021	\$40.00	\$14,085.00
07/15 94	10800420	044182	8021	\$40.00	\$14,045.00
07/15 378	10389221	021286	8021	\$40.00	\$14,005.00
07/15 587	76290249	90243.272210	7004	\$150.00	\$13,855.00
07/15 1181	78451189	14855.310590	7001	\$670.00	\$13,185.00
07/16 48	78451242	14855.310592	7001	\$335.00	\$12,850.00
07/19 91	10803558	051501	2001	\$385.00	\$12,465.00
07/19 92	10803558	051501	2201	\$43.00	\$12,422.00
07/19 93	10803558	051501	2202	\$360.00	\$12,062.00
07/19 94	10803558	051501	2051	\$85.00	\$11,997.00
07/19 294	76455270	21312.290050	7001	\$335.00	\$11,662.00
07/19 1126	1858144	17058.300828	7205	\$100.00	\$11,562.00
07/19 1127	1858144	17058.300828	7201	\$400.00	\$11,162.00
07/20 148	PCT/US04/22391	083022-0309883	1601	\$300.00	\$10,862.00
07/20 149	PCT/US04/22391	083022-0309883	1704	\$1,920.00	\$8,942.00
07/20 150	PCT/US04/22391	083022-0309883	1702	\$1,134.00	\$7,808.00
07/20 151	PCT/US04/22391	083022-0309883	1703	\$380.00	\$7,448.00
07/20 152	PCT/US04/22391	083022-0309883	8007	\$20.00	\$7,428.00
07/21 4	09967604	051501/02787	1401	\$330.00	\$7,098.00
07/21 5	09967604	051501/02787	1253	\$950.00	\$6,148.00
07/21 288	10478112	007643	8021	\$40.00	\$6,108.00
07/21 1388	78454113	64112.309864	7001	\$670.00	\$5,438.00
07/22 8	E-REPLENISHMENT		9203	-\$5,014.00	\$10,452.00
07/22 9	E-REPLENISHMENT		9203	-\$3,003.00	\$13,455.00
07/22 462	76459998	71803.290196	7004	\$150.00	\$13,305.00
07/23 24	60508592	076936-0306233	8021	\$40.00	\$13,265.00
07/23 35	60556699	076936-0309017	8021	\$40.00	\$13,225.00
07/23 88	10779476	076936-0307942A	2001	\$385.00	\$12,840.00
07/23 89	10779476	076936-0307942A	2051	\$65.00	\$12,775.00
07/23 90	10779476	076936-0307942A	2202	\$576.00	\$12,199.00
07/23 91	10779476	076936-0307942A	2201	\$688.00	\$11,511.00
07/23 92	10779476	076936-0307942A	2203	\$145.00	\$11,366.00
07/23 1285	76087350	59012.278732	7004	\$150.00	\$11,216.00
07/26 4	09811367	021286/02787	1202	\$90.00	\$11,126.00
07/26 25	09805449	051501/02787	1253	\$950.00	\$10,176.00
07/26 26	09806449	051501/02787	1806	\$180.00	\$9,996.00
07/26 43	10799575	044182 308721	2001	\$385.00	\$9,611.00

BEST AVAILABLE COPY

08-03-04

11:10am

From-PILLSBURY WINTHROP CARMEL VLY.

858 509 4010

T-065 P.017/023 F-681

07/26 44	10799575	044182 308721	2051	\$85.00	\$9,546.00
07/26 45	10788670	044182/308512	2001	\$385.00	\$9,161.00
07/26 46	10788670	044182/308512	2051	\$65.00	\$9,096.00
07/26 70	10779476	076936-0307942A	8021	\$40.00	\$9,056.00
07/26 75	E-REPLENISHMENT		9203	-\$2,799.00	\$11,855.00
07/26 983	10478112	007643	8021	\$40.00	\$11,815.00

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$14,185.00	\$22,895.00	\$20,515.00	\$11,815.00

[Need Help?](#) | [Return to USPTO Home Page](#) | [Return to Finance Online Shopping P](#)

BEST AVAILABLE COPY

<https://ramps.uspto.gov/eram/Controller.jsessionid=ramps.uspto.gov-37be:41057e6e:6aea3b8...> 7/26/04

08/03/04 TUE 12:58 [TX/RX NO 5035] 017